

OGC REVIEW COMPLETED

Chief, Medical Staff

26 October 1950

Legal Staff

Dual Compensation

STATINTL

1. At the request of [ ] we are forwarding to you our opinion of the dual compensation laws as they apply in his case.

STATINTL

2. [ ] has informed us that, during the first three months of 1951, he will be retained by the Veterans' Administration as a consultant on a fee basis, on three "one-half" days per week. During this same period he will be retained by CIA on an identical basis on two "one-half" days per week.

STATINTL

3. In the opinion of the Legal Staff, [ ] may accept payment from both CIA and the Veterans' Administration without violating the dual compensation laws of the United States Government. Our opinion is based upon the Comptroller General's interpretation of the dual compensation statute, as explained in the following excerpts from two of his decisions:

a. The dual compensation act (5 USCA 58) is not for application to part-time or intermittent employees performing services for different Government agencies on different days or at different times if payment is on a per diem or fee basis for time actually employed. (15 Comp. Gen. 751).

b. Payments by the Veterans' Administration of fees to a doctor during the time he was employed as a medical adviser on an annual salary basis by another Government agency does not contravene the dual compensation provisions of 5 USCA 58, because fees do not constitute "salary" within the meaning of said statute. (22 Comp. Gen. 312).

STATINTL

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STATINTL

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cc: Subject  
Chrono  
Legal Decision  
Vital Document